

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MAHOGANY R. ADKINS,

Plaintiff,

v.

CREDITORS INTERCHANGE
RECEIVABLE MANAGEMENT, LLC,

Defendant.

Case No. 2:13-cv-00977-MMD-GWF

ORDER

This is an employment dispute involving three claims for relief under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et. seq.* (Dkt. no. 1.) Before the Court is Plaintiff Mahogany R. Adkins' Motion for Default Judgment ("Motion"). (Dkt. no. 11.)


The Ninth Circuit has identified the following factors as relevant to the exercise of the court's discretion in determining whether to grant default judgment: (1) the possibility of prejudice to the plaintiff; (2) the merits of the plaintiff's substantive claims; (3) the sufficiency of the complaint; (4) the sum of money at stake in the action; (5) the possibility of a dispute concerning material facts; (6) whether the default was due to the excusable neglect; and (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits. *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

Plaintiff's Motion does not address any of the *Eitel* factors. For example, Plaintiff fails to address the merits of her substantive claims or the sufficiency of her Complaint. Plaintiff alleges that she timely filed this lawsuit within 90 days from receiving the

1 "Notice of Suit Rights," but the Complaint alleges that the U.S. Equal Employment
2 Opportunity Commission issued the Notice dated March 1, 2013. The Complaint was
3 filed on June 3, 2013, which appears to be outside of the 90-day period. She asserts
4 three claims under Title VII, but neither the Complaint nor the Motion addresses
5 whether Defendant is an employer within the definition of Title VII.¹ She further fails to
6 demonstrate entitlement to her damage request and the basis for her request for a
7 year's salary and emotional distress as compensatory damages.

8 It is therefore ordered that Plaintiff's Motion for Default Judgment (dkt. no. 11) is
9 denied without prejudice. Plaintiff is granted leave to file a renewed motion within thirty
10 (30) days to address the deficiencies identified in this Order.

11 DATED THIS 21st day of January 2015.

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14 MIRANDA M. DU
15 UNITED STATES DISTRICT JUDGE
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28 ¹Title VII applies to an employer who employs 15 or more employees. 42 U.S.C.
§ 2000e(b).